

MHYA050002171994



(ORDER BELOW EXH.1 IN R.C.C. NO.111/ 1994)
(The State of Maharashtra Vs. Vishwanath Tukaram Maghade)

1] The present case was registered against accused **Vishwanath Tukaram Maghade** for the offence punishable Under Section 498 A & 323 of the Indian Penal Code, 1860.

2] It appears from the record that, since filing of charge-sheet accused remained absconded till today. Thereafter, the case proceeded against accused. Many times and repeatedly non-bailable warrant and proclamation were issued against him. But police machinery failed to produce its report on record. After compliance of Section 82, whereabouts of the accused is still not traced out. Therefore, after waiting considerable period, summons were issued to the prosecution witnesses.

3] The prosecution has examined two witnesses as per Section 299 of Criminal Procedure Code. Witness No.1 namely **Manjulabai Bhagwan Dakhore** at **Exh.08** and informant namely **Ratanbai Vishwanath Maghade** was examined as prosecution witness no. 2 at **Exh.09** PW1 Manjulabai deposed that, she knew informant and accused. She did not remember anything about the incidence and PW2 informant ratanbai deposed that, she does not know whereabouts of her husband. She did not remember anything regarding the incidence. She could not identify contents of the F.I.R. and her thumb impression. Both of these witnesses did not support to the prosecution case at all. Nothing fruitful could be achieved from their examination.

4] Presence of witness namely Bhagwan Dakhore could not be secured as he was reported as dead. Summons were repeatedly issued to other prosecution witnesses. However, their whereabouts could not be traced out. Prosecution failed to secure presence of witnesses. After perusing record and proceedings of the case, it reflects that, there is no possibility of appearance of accused in near future. In my view, even if the case is kept pending, there is no sufficient material to frame charge against accused under Section 498 A & 323 of IPC. It will be of no use to keep the case pending any more. The present case is pending since 1994. As per the directions of the Hon'ble High Court 10 years old cases need to be disposed off expeditiously as possible. Hence, considering all the facts and circumstances, I pass the following order.

:- ORDER :-

- i] Accused **Vishwanath Tukaram Maghade** is discharged vide Section 239 of the Code of Criminal Procedure, 1973 for the offence punishable Under Section 498 A & 323 of the Indian Penal Code, 1860.
- ii] Present case is accordingly disposed off.

Sd/-

(Smt. V. D. Birhari)

Judicial Magistrate F.C., Court No.2,
Tq.Pusad, Dist – Yavatmal.

Date : 23/04/2026.